

HOUSE BILL NO. 497

INTRODUCED BY J. FLEMING

A BILL FOR AN ACT ENTITLED: "AN ACT MAKING IT A MISDEMEANOR FOR A PASSENGER IN A VEHICLE INVOLVED IN AN ACCIDENT NOT TO REPORT THE ACCIDENT IF THE DRIVER FAILS TO STOP AT THE SCENE OF THE ACCIDENT; AND AMENDING SECTIONS 61-5-205 AND 61-7-103, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-5-205, MCA, is amended to read:

"61-5-205. Mandatory revocation or suspension of license upon certain convictions -- duration of action -- exceptions. (1) ~~The~~ Except as provided in subsection (5), the department shall revoke an individual's driver's license or driving privilege if the department receives notice from a court or another licensing jurisdiction that the individual has been convicted of any of the following offenses:

- (a) negligent homicide resulting from the operation of a motor vehicle;
- (b) any felony in the commission of which a motor vehicle is used;
- (c) failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;
- (d) perjury or the making of a false affidavit or statement under oath to the department under this chapter or under any other law relating to the ownership or operation of motor vehicles;
- (e) fleeing from or eluding a peace officer; or
- (f) negligent vehicular assault as defined in 45-5-205 involving a motor vehicle.

(2) The department shall suspend an individual's driver's license or driving privilege if the department receives notice from a court or another licensing jurisdiction that the individual has been convicted of any of the following offenses:

- (a) driving a motor vehicle while under the influence of alcohol or any drug or a combination of alcohol or drugs or operating a motor vehicle with a blood alcohol concentration of 0.08 or more;
- (b) three reckless driving offenses committed within a period of 12 months; or
- (c) a theft offense under 45-6-301 if the theft consisted of theft of motor vehicle fuel and a motor vehicle was used in the commission of the offense.

(3) A revocation under subsections (1)(a), (1)(b), and (1)(d) through (1)(f) must be for a period of 1 year. A revocation under subsection (1)(c) must be for a period of 2 years if the offender received a felony conviction under 61-7-103.

(4) (a) Except as provided in subsections (4)(b) and (4)(c), a suspension under subsection (2) must be for a period of 1 year.

(b) A suspension under subsection (2)(a) must be for the period set forth in 61-5-208(2)(b).

(c) A suspension under subsection (2)(c) must be for one of the following periods:

(i) 30 days for a first offense;

(ii) 6 months for a second offense; and

(iii) 1 year for a third or subsequent offense.

(5) This section does not apply to a conviction of a passenger for a misdemeanor as provided in 61-7-103(3)."

Section 2. Section 61-7-103, MCA, is amended to read:

"61-7-103. Accidents involving death or personal injuries -- driver and passenger responsibilities.

(1) The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop the vehicle at the scene of the accident or as close to the accident as possible but shall then return to and in every event remain at the scene of the accident until the driver has fulfilled the requirements of 61-7-105. Each stop at the scene of the accident must be made without obstructing traffic more than is necessary.

(2) (a) Except as provided in subsection (2)(b), a driver failing to stop or to comply with the requirements of subsection (1) shall upon conviction be punished by imprisonment for a term of not less than 30 days or more than 1 year, by a fine of not less than \$100 or more than \$5,000, or by both fine and imprisonment.

(b) If the accident resulted in serious bodily injury or death of any person, a driver failing to stop or to comply with the requirements of subsection (1) shall upon conviction be punished by imprisonment in the state prison for a term of not less than 1 year or more than 10 years, by a fine in an amount not to exceed \$50,000, or by both fine and imprisonment.

(3) (a) If the driver of a vehicle fails to stop the vehicle and return to the scene of an accident as required by subsection (1), a passenger in the vehicle shall, at the passenger's earliest opportunity, notify a peace officer of the occurrence of the accident.

(b) This subsection (3) does not require a passenger to render aid at the scene of an accident.

(c) A passenger failing to notify a peace officer in accordance with subsection (3)(a) is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$500 or imprisoned in the county jail for not more than 30 days, or both.

~~(3)~~(4) The department shall revoke the license or permit to drive of any resident and any nonresident operating privilege of a person convicted of violating this section subsection (1) for the period prescribed in 61-5-205.

(5) Absolute liability, as provided for in 45-2-104, is imposed for a violation of subsection (2) or (3)."

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